



Re: FYI 📄

Dave Bartus to: Elaine Eby

Cc: Andrew Boyd, Adam Baron, Jeff Kenknight, Scott Downey

06/06/2012 06:50 AM

I always know my day will get more interesting when I see an e-mail from you!

Actually, I'm not surprised to hear of the inquiry, although I was rather expecting to hear it coming from the Department of Energy, not from Texas (Waste Control Specialists?). As you may know, this issue is one of the key concerns in our enforcement action with the United States Department of Energy, Richland Operations Office. I'm taking the liberty of copying Adam Baron, the case officer, Andy Boyd, our attorney, Jeff Kenknight, the current compliance unit supervisor, and Scott Downey, who will soon take over Jeff's responsibilities.

As far as the note below, I would say absolutely no, we have no "new" policy regarding stopping all "in-trench macro encapsulation." At least from a Region 10 perspective, we may not have addressed this action through enforcement action at an earlier point in time, but we have a clear written record of interaction with the Washington State Department of Ecology, Nuclear Waste Program that this practice is not legal with respect to requirements of Ecology's authorized RCRA/dangerous waste program.

Please keep us in the loop, and let us know if there is anything more we can help you with. Basically, you have correctly summarized the issues and positions, and other than progress in our enforcement case, we have not developed any new or different regulatory interpretations or policies.

Dave

Elaine Eby

Hi Dave- Just an FYI, this came down from our...

06/06/2012 06:03:16 AM

From: Elaine Eby/DC/USEPA/US
To: Dave Bartus/R10/USEPA/US@EPA,
Date: 06/06/2012 06:03 AM
Subject: FYI

Hi Dave-

Just an FYI, this came down from our Deputy Office Director and she is asking what we know about this. I am going to draft a note that goes through our timeline on the Hanford situation and our conversations (OSW and OECA) supported by letters and policy documents that in-trench treatment is not allowed under LDRs, I am also going to mention, per your email, what seems to be a contrary practice at US Ecology allowed by Utah since 2003/4, and the conversation I had with Michelle Peace in Region 9 on the Texas situation (they too originally want a treatment variance and that is why the situation was referred to us). Is there anything that you would like me to add?

Here is the note: The OSWER I/O got a call about whether EPA has a new policy regarding stopping all "in-cell macro encapsulation"? Apparently this is came up in relation to the Hanford site but has also been heard from a contact at US Ecology in Beatty, NV (in Region 9). While this may not be our issue specifically, can our FF folks provide any insight and check with R10/R9, FFRRO, or OSRTI see what they can find out so we can provide some feedback to the IO? Thanks.

Sandra

Thanks and highest regards, Elaine

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